

Remarks:

Reconsideration of the application is respectfully requested.

Claims 1 - 16 are presently pending in the application.

Claims 1, 13 and 14 have been amended.

In item 3 of the above-identified Office Action, claims 1 - 6 and 8 - 16 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U. S. Patent No. 5,924,041 to Alperovich et al ("ALPEROVICH") in view of U. S. Patent No. 6,999,478 to D'Angelo ("D'ANGELO"). In item 4 of the Office Action, claim 7 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over ALPEROVICH and D'ANGELO in view of U. S. Patent Application Publication No. 2003/0134648 to Reed et al ("REED").

Applicant respectfully traverses the above rejections.

- I. The prior art fails to teach or suggest, among other limitations handling/providing "a location based service", as required by Applicant's claims.

Applicant's claimed invention relates to, among other things, a location -based service. More particularly, Applicant's claim 1 recites, among other limitations:

A method for handling a location-based service in a limited geographic area for a plurality of subscribers, . . .

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delivering, with the central network element,
the information to the location-based service.
[emphasis added by Applicant]

Similarly, Applicant's independent claim 13 recites, among
other limitations:

A method for providing location-based service in a
limited geographic area for a plurality of
subscribers, which comprises:

forwarding the information from the central
network element to the location-based service,
and providing the location-based services to the
subscribers in the limited geographic area.
[emphasis added by Applicant]

Applicant's independent claim 14 recites, among other
limitations:

A device for handling inquiries of a location-based
service for a limited geographic area served by at
least two devices from two different networks for
determining a geographic position of mobile radio
users,

means for receiving inquiries, sent by the
location-based service, about an identity of
subscribers from different networks in the
limited geographic area;

means for sending the inquiry result to the
location-based service. [emphasis added by
Applicant]

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Note that the preamble limitation of the "location-based service" is referred to, and thus incorporated into, the body of each of Applicant's independent claims. As such, all of Applicant's claims relate to a "location-based service", among other things. Paragraph [0003] of the instant application states:

Location-based services currently being offered allow a subscriber to be located. Services which want to deal with more than one subscriber, for example, different "identities" of a person, or unknown identities in a particular area independently of the network used need a current database with a multiplicity of information items about the networks and the regions covered by the networks.

As such, all of Applicant's claims relate to a system or method directed towards allowing a subscriber to be located.

Neither ALPEROVICH, nor D'ANGELO, teach or suggest a system or method directed towards a "location-based service", as required by Applicant's claims. Rather, ALPEROVICH discloses a method and apparatus for providing a dispatch system in a cellular radiotelephone system. More particularly, ALPEROVICH discloses a dispatch system using point-to-multipoint communications. Col. 1 of ALPEROVICH, lines 28 - 34, states:

Dispatch systems generally comprise a single dispatch center communicating with multiple mobile units (e.g., taxis or trucks) using radios. This "point-to-multipoint" communication is usually half duplex as only the dispatch center or one of the mobile units can transmit at any given time. This is in contrast to

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the full duplex and "point-to-point" communication of cellular telephone networks. [emphasis added by Applicant]

Further, col. 1 of ALPEROVICH, line 64 - col. 2, line 21, states:

The present invention comprises a method and apparatus for providing a dispatch system in a cellular telephone network using a dispatch call group. In the present invention, each mobile unit which is part of a given dispatch system (e.g., taxis and delivery trucks) is equipped with a cellular telephone, also referred to as a "mobile station." Each of the mobile stations and one or more dispatch centers are listed in a centralized database of the cellular telephone network as having membership in the particular dispatch group and are assigned a common telephone number. When communication with the dispatch group is to be established, the caller places a telephone call using the telephone number assigned to the dispatch group. The cellular telephone network receives the telephone call through a gateway facility. This gateway facility has access to the centralized database and can determine all mobile stations having membership in the particular dispatch group. The cellular telephone network establishes a telephone call with each of the mobile stations having membership in the dispatch group, and conferences together all mobile stations which have been contacted together with the incoming call. The conferencing of calls can occur at the gateway facility or can be a hierarchal conferencing using conferencing capabilities at both the gateway facility and various communication points throughout the cellular telephone network.

As such, contrary to being a method or apparatus for handling/providing location-based services, ALPEROVICH is directed to a setting up a connection from a single dispatcher to multiple call group participants.

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Similarly, D'ANGELO discloses a system controlling use of a communication channel in a communication network. More particularly, D'ANGELO discloses a communication server (110 of Figs. 1 - 4) which communicates with a set of communication networks. See, for example, col. 4 of D'ANGELO, lines 34 - 45. Col. 4 of D'ANGELO, lines 58 - 61, discloses that:

The communication server 110 is coupled in communication with each of the networks in the set of communication networks 100.

More particularly, the communication server 110 of D'ANGELO functions as a router between the different communication networks of D'ANGELO. A router or gateway is a device that forwards data packets along networks. A router is connected to at least two networks, commonly two LANs or WANs or a LAN and its ISP's network. Routers are located at gateways, the places where two or more networks connect.

In D'ANGELO, prior to communication, the subscriber informs the communication server 110 of his/her location by connecting to the system. Col. 7 of D'ANGELO, lines 1 - 22, states:

Each element of FIG. 2 will now be described. The user 104 connects to the communication server 110 over the data network 138 using the computer 124. The computer 124 can run a program for communicating with the communication server 110 or the communication server 110 can be contacted using a web browser program over the World Wide Web (WWW). Once the user 104 identifies herself/himself and her/his location to the communication server 110, the user 104 can contact

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individuals using the interface with the communication server 110. The user 104 can signal that she/he wants to contact the user 106 by selecting the user 106 from a list or by some other means. If the user 106 has multiple contact locations and is not a subscriber to the communication server 110, then the user 104 will be prompted to select a contact location. However, if the user 104 wanted to contact the user 102, a subscriber to the communication server 110, the communication server 110 can determine the correct contact location for user 102 without additional prompting because the user 102 would also have identified her/his location to the communication server 110 when she/he identified herself/himself to the communication server most recently. [emphasis added by Applicant]

See also, col. 6 of D'ANGELO, lines 4 - 21, which states:

When the user 106, who is not a subscriber to the communication server 110, wants to contact the user 102, the user 106 must perform a number of steps. The user 106 must select a communication network. The user 106 must find the address for the user 102 in that communication network and the user 106 must provide the address for the user 102 in that communication network to their communication device. If the user 106 is not sure whether the user 102 is at her/his home or office, the user 106 may not know which phone number to dial to contact the user.

In contrast, the communication server 110 facilitates easier communication between the user 102 and her/his contacts. The user 102 accesses the communication server 110 and identifies her/his present location. Then, the user 102 identifies a person to contact, the person need not be a subscriber to the communication server 110. The communication server 110 then controls the communications channels between the user 102 and the other person or persons. [emphasis added by Applicant]

In each case disclosed in D'ANGELO, the user self-identifies its location or the desired contact location to the communication server. As such, in D'ANGELO, there is no need

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or ability for the communication server to determine a geographic location.

As such, both ALPEROVICH and D'ANGELO are directed to setting up a connection between two subscribers. Neither ALPEROVICH, nor D'ANGELO teach or suggest handling/providing location-based services, as required by Applicant's claims.

As such, Applicant's claims are believed to be patentable over the combination of ALPEROVICH and D'ANGELO.

II. The prior art fails to teach or suggest, among other limitations, requesting current information about the subscribers in the limited geographic area from two devices from different networks for determining the geographic position of mobile radio users, as required by Applicant's claims.

Applicant's independent claim 1 has been amended to recite, among other limitations:

requesting, with the central network element, a current information item about the subscribers active in the limited geographic area from the at least two devices from different networks for determining the geographic position of mobile radio users; [emphasis added by Applicant]

Applicant's independent amended claim 13 similarly recites, among other limitations:

requesting information concerning the identity of the subscribers in the limited geographic area from at

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least two devices from different networks serving the limited geographic area for determining a geographic position of mobile radio users;

receiving a current information item in the central network element from the at least two devices for determining the geographic position of mobile radio users, about the subscribers active in the limited geographic area; [emphasis added by Applicant]

Additionally, Applicant's claim 14 has been amended to recite, among other limitations:

means for sending a request for current information about the subscribers active in the limited geographic area to two devices from different networks for determining the geographic position of mobile radio users; [emphasis added by Applicant]

As such, Applicant's claims require requesting current information about the subscribers active in the limited geographic area from two devices from different networks for determining the geographic position of mobile radio users.

Among other limitations of Applicant's claims, neither ALPEROVICH, nor D'ANGELO, teaches or suggests Applicant's claimed request for current information from two devices from different networks for determining the geographic position of mobile radio users.

More particularly, page 3 of the Office Action alleges that ALPEROVICH discloses Applicant's claimed "current information" "from two devices", as follows:

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requesting, with the central network element (i.e. HLR), a current information item about the subscribers active in the limited geographic area from the at least two devices for determining the geographic position of mobile radio users (reads on the HLR, after recognizing the incoming call (the request) to the dispatch group call, sends the international mobile subscriber identity for each of the mobile stations to the respective MSC and the MSC's return a mobile station routing number for each of the mobile stations which they are servicing) (col. 7, lines 45 - 53); [emphasis added by Applicant]

Similar allegations were made on page 9 of the Office Action, regarding claim 13 and on page 11 regarding claim 14.

Applicant respectfully disagrees that ALPEROVICH teaches or suggests Applicant's claimed "current information" obtained from two devices on different networks for determining the geographic position of mobile radio users.

More particularly, col. 7 of ALPEROVICH, lines 45 - 53 (cited in the Office Action as allegedly showing this feature of Applicant's claims), states:

In one embodiment of the present invention the home location register 150, after recognizing the incoming call to be a dispatch group call, sends the international mobile subscriber identity for each of the mobile stations having membership in the dispatch group 155A-D to the respective mobile switching centers 405A and 405B currently servicing the individual mobile stations 155A-D. The mobile switching centers 405A-B, return a mobile station routing number for each of the mobile stations 155A-D which they are servicing, to the home location

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register 150 which forwards them to the global mobile switching center 130. [emphasis added by Applicant]

As such, the Office Action alleges that the two MSCs 405A and 405B are the "two devices" of Applicant's claim. However, the two MSCs 405A and 405B of ALPEROVICH belong to the same mobile radio network. This is disclosed in connection with Fig. 6 of ALPEROVICH and, for example, col. 7 of ALPEROVICH, lines 13 - 40 ("Referring additionally to Fig. 6, there is illustrated a cellular telephone network 145 ...")

However, Applicant's currently claimed invention requires that the "current information" be obtained from two devices from different networks. This is supported in the instant application, for example, in connection with Fig. 2, which discloses the devices GMLC being assigned to different networks 1 and 2. ALPEROVICH only discloses devices on a single network. As such, ALPEROVICH fails to teach or suggest requesting current information about the subscribers active in the limited geographic area from at least two devices from different networks for determining the geographic position of mobile radio users.

Further, D'ANGELO also fails to teach or suggest requesting current information about the subscribers active in the limited geographic area from at least two devices from

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different networks for determining the geographic position of mobile radio users. As stated above in Section I, the users in D'ANGELO inform the server of a current or requested location. As such, D'ANGELO does not teach or suggest determining the geographic position of mobile radio users. Correspondingly, D'ANGELO also fails to teach or suggest requesting current information from at least two devices from different networks for determining the geographic position of mobile radio users.

There is no teaching, suggestion or motivation in either ALPEROVICH or D'ANGELO to modify those references to obtain Applicant's claimed invention. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves, or in the knowledge generally available from one of ordinary skill in the art.

As such, ALPEROVICH and D'ANGELO both fail to teach or suggest Applicant's particularly claimed request for current information about the subscribers active in the limited geographic area from two devices from different networks for determining the geographic position of mobile radio users.

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III. Conclusion.

In view of the foregoing, it is believed that Applicant's claimed invention is patentable over the ALPEROVICH and D'ANGELO references.

The REED reference, cited in combination with ALPEROVICH and D'ANDELO against Applicants' dependent claim 7, fails to cure the above-discussed defects of the ALPEROVICH and D'ANDELO references. As such, it is believed that the ALPEROVICH and D'ANDELO and REED, taken alone, or in combination, fail to teach or suggest Applicants' claimed invention.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 1, 13 and 14. Claims 1, 13 and 14 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1 - 16 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can

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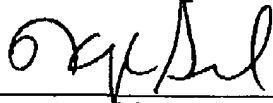
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be worked out. In the alternative, the entry of the amendment is requested, as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,



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